



07 MAR 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Thomas A. Ward
Fliesler Dubb Meyer and Lovejoy
Four Embarcadero Center-Suite 400
San Francisco, CA 94111-4156

In re Application of : DECISION
LEE :
Application No.: 10/018,549 :
PCT No.: PCT/GB00/02267 :
Int. Filing Date: 12 June 2000 :
Priority Date: 14 June 1999 :
Attorney Docket No.: ANRUK01000US0 :
For: APPARATUS FOR TESTING MOBILE :
PHONES :

This is a decision on applicants' "REQUEST UNDER 37 CFR § 1.182 TO CORRECT SERIAL NUMBER ON PAPERS FILED" filed 06 February 2003 and "REQUEST TO ACCEPT LOST PAPER CONTAINING CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(b)" filed 26 November 2002.

BACKGROUND

On 12 June 2000, applicants filed international application PCT/GB00/02267, which claimed a priority date of 14 June 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 21 December 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 04 January 2001, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 14 December 2001.

On 14 December 2001, applicants filed a Transmittal Letter (Form PTO-1390) for entry into the national stage under 35 U.S.C. 371 accompanied by, *inter alia*, the basic national fee, and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date.

On 20 March 2002, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required. The NOTIFICATION OF MISSING REQUIREMENTS set a two-month extendable time period.

On 26 November 2002, applicant submitted via facsimile transmission a "REQUEST TO ACCEPT LOST PAPER CONTAINING CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(b)", which was accompanied by, *inter alia*, a declaration of inventors, a copy of the Assignment and the Assignment Recordation Form Cover Sheet, and a copy of an Information Disclosure Statement and references. The request asks that the papers accompanying the submission be accepted as having been received in the USPTO on 20 May 2002. This request has been treated as a petition under 37 CFR 1.181.

On 06 February 2003, applicant submitted via facsimile transmission a "REQUEST UNDER 37 C.F.R. §1.182 TO CORRECT SERIAL NUMBER ON PAPERS FILED". The requisite petition fee has been paid.

DISCUSSION

Petition Under 37 CFR 1.181

The original application papers filed 20 May 2002 have been located. Accordingly, the petition under 37 CFR 1.181 is moot.

Petition Under 37 CFR 1.182

Applicant requests that the documents filed on 20 May 2002 which indicated the application number as 10/016,549 be accepted in application number 10/018,549. A review of the application file including counsel's statements in the present petition reveals that the indication of application number 10/016,549 was incorrect and that, on petition, the acceptance of these documents in the above-identified application is appropriate.

Regarding the assignment document, the fee has been charged but the assignment has not been recorded. Applicant must submit a new assignment document for recording. The fee paid on 20 May 2002 will be credited to Deposit Account 06-1325. Also, applicant included the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date in the submission filed 20 May 2002. However, that fee was previously paid on 14 December 2001. Accordingly, Deposit Account 06-1325 will be credited this amount as well.

CONCLUSION

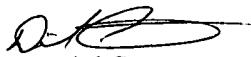
The petition under 37 CFR 1.181 is DISMISSED as MOOT for the reasons set forth above.

The petition under 37 CFR 1.182 is GRANTED for the reasons set forth above.

Please direct any further correspondence with respect to this matter to the Commissioner

of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including according the application a 35 U.S.C. 371(c) date of 20 May 2002.



Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (703) 308-2066
Facsimile: (703) 308-6459